

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

NATHANIEL CHASTAIN,

Defendant.

)
)
) **DECLARATION OF NATHANIEL
CHASTAIN IN SUPPORT OF
HIS MOTION TO SUPPRESS**
)

) No. 22-cr-305 (JMF)
)
)
)

I, NATHANIEL CHASTAIN, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the defendant in the above-captioned matter.
2. I submit this Declaration in support of my September 30, 2022 Motion to Suppress Evidence.
3. On September 22, 2021, I was living in a small studio apartment (approximately 500 square feet) referenced as the “Subject Premises” in the September 20, 2021 search warrant.
4. During the early morning hours of September 22, 2021, I heard my doorbell ring. I opened the front door to my apartment and observed approximately four or five Federal Bureau of Investigation (“FBI”) agents standing in the hallway outside of my apartment. I further observed that each of the FBI agents was wearing what appeared to be a bullet proof vest and carrying a holstered firearm.
5. I heard one of the FBI agents state, in sum and substance, that they had a warrant to search my home and take electronic devices.
6. All of the FBI agents entered my apartment. One FBI agent instructed me to sit on my bed while my apartment was being searched.

7. I heard one FBI agent ask me, in sum and substance, if a cell phone that the agents seized was my only cell phone. I answered the agent's question in the affirmative. I heard the same FBI agent ask me for the password to my cell phone.

8. I provided my password, but then asked if I could call my lawyer. The FBI agent permitted me to contact my lawyer and provided me with a phone to do so.

9. After speaking with my lawyer, I informed the FBI that I was not required to provide the agents with the password to my cell phone. Another FBI agent, who may have been the affiant on the search warrant application attached to the Motion to Suppress, responded in sum and substance that the search warrant authorized the use of biometrics to access my cell phone. None of the FBI agents attempted to unlock the cell phone using my biometrics.

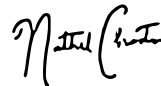
10. At the time, I do not believe that I had enabled the use of biometrics on my cell phone.

11. My cell phone contained information and recordings that were not accessible on the other seized devices.

12. On that date, I was never advised of my *Miranda* rights. While the FBI executed the search warrant inside of my apartment, I was not told that I was not under arrest. I did not feel that I was free to leave.

13. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 30, 2022
New York, New York



Nathaniel Chastain